

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**GRUPO OMOR, S.A., et al.,**

**Plaintiffs,**

**v.**

**R.R. IMPORTACIONES, INC., et al.,**

**Defendants.**

Civ. No. 18-400 (KM)

**MEMORANDUM and ORDER**

The court having a Consent Order (ECF no. 18) granting preliminary injunctive relief, and the plaintiffs filed a motion (ECF no. 23) to hold defendant R.R. Importaciones, Inc. in contempt for failure to comply with the Consent Order. I considered the response and reply submissions (ECF nos. 26, 27, 28, 29, 30) and heard oral argument on March 14, 2018. I entered an order (ECF no. 33) denying the motion as presented but requiring the defendant's principal to submit an affidavit demonstrating compliance.

On March 23, 2018, the defendant filed the Certification of Rolando Martinez (ECF no. 37). The Martinez Certification described efforts to comply with the Consent Order. It is fair to say that compliance was tardy. For this Mr. Martinez gave explanations which, while not strong, are at least understandable. Although Mr. Martinez, if he wished to stretch the agreed deadlines, should have sought leave from the Court, it does not appear that Mr. Martinez simply ignored the order or failed to take steps to implement it.

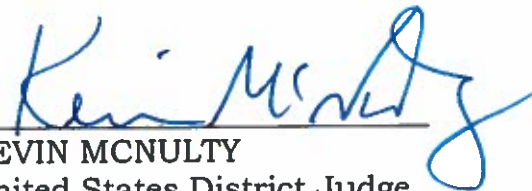
In response, counsel for the plaintiffs filed a letter dated March 27, 2018. (ECF no. 38) The Letter, with some justification, criticizes Mr. Martinez's response as being too slow. It does not dispute, however, that the defendant is now in compliance.

In my discretion, I will not punish this late compliance with fines or an award of attorney's fees. The period of delay amounted to two or three weeks.

There is no showing that plaintiffs suffered any adverse consequences in the interim. The cost of bringing the motion for contempt is an ordinary incident of litigation, and might have been avoided by accommodation between counsel. It may be thought of as the price of distrust.

**IT IS THEREFORE** this 2d day of April, 2018

**ORDERED** that the plaintiffs' motion (ECF no. 23) and the renewed letter request for an award of fees and other contempt sanctions (ECF no. 38) is **DENIED**.

  
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KEVIN MCNULTY  
United States District Judge